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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

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14 MILEPOST INNS, INC., d/b/a MILEPOST  
INDUSTRIES,

15 Plaintiff,

16 vs.

17 NORFOLK SOUTHERN CORPORATION,  
18 and NORFOLK SOUTHERN RAILWAY  
COMPANY;

19 Defendants.  
20

Case No. C-03-2510 (CRB) (ADR)

ORDER

CASE MANAGEMENT  
STATEMENT

Date: October 28, 2005

Time: 8:30 a.m.

Courtroom: 8

21 The nature of this matter is commercial litigation. On July 18, 2003, the court ruled that  
22 the above matter be assigned to binding arbitration. The parties selected JAMS to be the  
23 provider of the arbitration services and F. Carlton King, Jr., was selected as the arbitrator.  
24 On June 20, 2005 and continuing through June 22, 2005, the parties attended arbitration, in  
25 Atlanta, Georgia. Shortly after Arbitration, the Arbitrator F. Carlton King, Jr., served on all  
26 parties Scheduling Order Number 9 and amended such order with Scheduling Order Number 10,  
27 on June 30, 2005. In accordance with those Orders, Plaintiff filed its Post Arbitration Brief on  
28

1 July 8, 2005, Defendant filed its post-hearing brief on July 29, 2005, and Plaintiff's reply was  
2 filed on August 5, 2005.

3 On August 15, 2005, the Arbitrator F. Carlton King, Jr., issued his monetary Award in  
4 favor of Plaintiff. Plaintiff submitted a letter to the Arbitrator requesting clarification on the  
5 Award in regard to the interest on the settlement reached at mediation. The Arbitrator issued a  
6 Supplemental Award, which specifically addressed the issue brought by Plaintiff. The  
7 Supplemental Award made no change to the monetary Award; therefore, the Arbitrator's Award  
8 issued on August 15, 2005, became final.

9 On September 30, 2005, Plaintiff filed a Motion to Confirm Arbitration Award seeking to  
10 protect its enforcement rights and seeks an order confirming the Arbitration Award and a  
11 conforming judgment. This motion is set to be heard on November 18, 2005, at 10:00 a.m..

12 It is hereby respectfully requested that the Status Conference hearing, set for October 28,  
13 2005, at 8:30 a.m., be continued to November 18, 2005, at 10:00 a.m., or in the alternative, to a  
14 future date after November 18, 2005.

15 Dated: October 12, 2005

BRULE & ROONEY, LLP

17 By: s/JEFFREY J. ROONEY  
18 JEFFREY J. ROONEY, Attorney for  
MilePost Inns, Inc. dba Milepost Industries

19 CASE MANAGEMENT ORDER

20 The court having read the foregoing Case Management Statement and taking into  
21 consideration the request for continuance now rules as follows:

22 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Status Conference  
23 set for October 28, 2005, at 8:30 a.m., in Courtroom 8, is to be continued to  
24 Nov. 18, 2005, 2005, at 8:30 a.m., in Courtroom 8.

25 Dated: October 24, 2005

26 THE HONORABLE

